

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JANE KRESS,)	Case No. _____
)	
Plaintiff,)	
)	
vs.)	COMPLAINT
)	
TECUMSEH POULTRY, LLC,)	
)	
Defendant.)	

Plaintiff alleges:

1. Plaintiff is a resident of Steinauer, Pawnee County, Nebraska;
2. Defendant is a resident of Waverly, Nebraska 68462, Lancaster County, Nebraska;
3. Plaintiff was employed in defendant's plant in Tecumseh, Johnson County, Nebraska until she was terminated by the defendant on June 6, 2015
4. Plaintiff filed a timely charge with the Nebraska Equal Opportunity Commission (NEOC) and the Equal Employment Opportunity Commission on November 25, 2015
5. Plaintiff received a right to sue letter and filed a timely complaint in this court.

Facts:

6. Plaintiff incorporates Paragraphs 1-5 into this complaint.
7. Plaintiff started work as a Vent Owner Operator on August 1, 2000 and held this job until she was terminated
8. At all times from August 1, 2000 her performance was satisfactory.
9. That plaintiff had a medical impairment to her lower back that included a disc herniation and degenerative stenosis that arose from overuse during her work duties with the defendant.
10. That this medical condition affected the major life activities of lifting as well as repetitively bending and twisting.
11. Plaintiff alleges a work injury date of February 2, 2015.
12. That defendant accommodated plaintiff in a light duty position from February 2, 2015 until April 19, 2015 when plaintiff had surgery.

13. That on or about June 6, 2015, plaintiff's treating doctor had recommended that plaintiff return to work for 4-6 hours per week.

14. That defendant informed the plaintiff that she could only return to work if she was released without restrictions.

15. That since plaintiff was unable to return to work without restrictions she was terminated on June 10, 2015.

16. That at all times plaintiff was able to perform the essential functions of her job with or without reasonable accommodation.

Counts 1 and 2

16. That defendant failed to accommodate plaintiff's disability in violation of the Americans with Disabilities Act and the Nebraska Fair Employment Practices Act.

Counts 3 and 4

17. That defendant's termination of the plaintiff was motivated by her disability and or the perception of disability in violation of the Nebraska Fair Employment Practices Act and the Americans with Disabilities Act

Counts 5 and 6

18. That defendant terminated the plaintiff in retaliation for asking for accommodation for her disability in violation of the Americans with Disabilities Act and the Nebraska Fair Employment Practices Act

Count 7

19. That defendant terminated plaintiff because of claiming workers compensation benefits in violation of the public policy of the state of Nebraska.

Therefore the plaintiff requests a trial by jury to determine the liability of the defendant and asks this court for all legal, statutory and equitable relief as allowed by law.

JANE KRESS, Plaintiff

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